

REAL ESTATE APPRAISER BOARD  
AUGUST 16, 2005  
LIQUOR CONTROL CONFERENCE ROOM  
5<sup>TH</sup> FLOOR, STATE OFFICE BUILDING  
301 CENTENNIAL MALL SOUTH, LINCOLN, NEBRASKA

**OPENING**

Chairman Dan Stoeber called to order the August 16, 2005, regular meeting of the Nebraska Real Estate Appraiser Board at 9:00 a.m. Board members Tim Kalkowski, Jim Bain, Kevin Kroeger and Dan Stoeber were present. Board member Sheila Newell was absent and excused. Jill Ekstein, Director, was also present.

**NOTICE OF MEETING**

Chairman Stoeber announced the notice of the meeting was published in the Lincoln Journal Star, a newspaper of general circulation in Nebraska, as required by the public meeting law. The public notice and proof of publication relating to this meeting are attached to and made part of these minutes.

**AGENDA**

Chairman Stoeber asked if there were any additions or corrections to the agenda. Kroeger moved to adopt the agenda as printed. Bain seconded the motion. The motion carried with Kalkowski, Bain, Kroeger and Stoeber voting aye.

**GUESTS**

Chairman Stoeber welcomed the guests in attendance. Present were Diane Moore, President of the Moore Group; Perre Neilan, Government Affairs Director of the Nebraska Realtors' Association; Mike Goodwillie, Legal Counsel for the Department of Property Assessment and Taxation of the State of Nebraska.

**MINUTES**

Chairman Stoeber asked for any additions or corrections to the minutes of the July 26, 2005, meeting. Bain moved to approve the minutes as printed. Kroeger seconded the motion. The motion carried with Bain, Kroeger, Kalkowski and Stoeber voting aye.

**EDUCATION**

Chairman Stoeber asked Mr. Goodwillie from the Nebraska Department of Property and Taxation if he would like to address the Board. Mike Goodwillie, Legal Counsel for the Department of Property and Taxation, presented a packet to each of the board members containing information regarding the issue of extending retroactive credit to appraisers

who had taken the Residential Data Collection Seminar offered by DPAT in May, 2005. Mr. Goodwillie informed the Board the Seminar offered in May contained the exact curriculum and instructor which had been previously approved by the Board. DPAT had failed to renew the seminar and the Nebraska Real Estate Appraiser Board had not removed the seminar from the approved course and seminar list appearing on the website. Appraisers registered for and completed the seminar relying on both information provided by DPAT and the Appraiser Board. Mr. Goodwillie stated neither DPAT nor any of the appraisers completing the seminar had received anything in writing regarding the expiration of the seminar. The seminar had been approved for a three year period, expired for a seven month window and been renewed in June 2005. Mr. Goodwillie asked the Board to approved continuing education credit for the appraisers who had completed the seminar prior to the renewal.

Chairman Stoeber asked the Board for comments. Bain stated he thought it was reasonable to extend the continuing education credit. Kalkowski asked if the Board was obligated to notify providers of expiration of courses and seminars. Stoeber noted there was no obligation. Vice Chairman Kroeger suggested a disclaimer be added to the approved education list noting the possible expiration of courses and seminars.

Bain moved to approve 11 hours of continuing education to the appraisers who completed the Residential Data Collection Seminar offered by the Department of Property Assessment & Taxation on May 19-20, 2005, due to the Nebraska Real Estate Appraiser Board web site stating the seminar was approved for continuing education credit. Kroeger seconded the motion. The motion carried with Bain, Kroeger, Kalkowski and Stoeber voting aye.

## **COMMUNICATIONS**

Director Ekstein reported she had received a letter from a Certified General Appraiser in Nebraska. The appraiser had raised the question of the need to follow Uniform Standards of Appraisal Practice when sitting on a government appointed board. The question had been raised to the Attorney General for his opinion. Attached to the letter was the response from Attorney General John Bruning.

Chairman Stoeber stated the AG opinion was a clarification of the jurisdictional exception rule. Ekstein mentioned the appraiser had asked for a response to the letter. Stoeber asked for the Board's permission to respond and have the information placed on the web site.

Director Ekstein added the Board had received an invitation to the spring conference of the AARO. Missouri has announced a seminar which will include a presentation by John Brenan from the Appraisal Foundation on the upcoming changes to the AQB criteria implementation.

## **DIRECTOR'S REPORT**

Director Ekstein announced her participation in the exit interview for the state audit. Exit points were discussed which will be included in the report for the Board. A draft will be provided and the Board will have ten days to respond to the report. A final report will then be published including the Board's responses. At that time the report will be public information. It will be distributed to the Board and discussed in a future meeting.

Ekstein reported on the new office space in the lower level of the State Office Building. Ekstein presented the quote for new office furniture to update the office. She asked the Board for approval of the purchase of the new furniture. Stoeber mentioned he had seen the new space as well as the furniture quote. He stated he felt all of the purchases were highly desirable as the office needs to be updated. Kroeger agreed the current space is lacking and the new office will allow the work to be completed more efficiently. Ekstein added the current space has five doors. Three of the doors are easily not needed. The quote to take out the doors is approximately \$850.

Kroeger moved to approve the purchase of the new office furniture and the cost of removing three of the current doors. Bain seconded the motion. Kalkowski asked the Board to consider how the expenditures would fit into the budget. Stoeber commented the Board has a cash fund and believed there is room in the budget for expenditures. The motion carried with Kalkowski, Bain, Kroeger and Stoeber voting aye.

Director Ekstein informed the Board of several conversations with Charlie Lowe, Assistant Attorney General. She commented he has been very helpful.

Ekstein explained the process of expense reimbursements. She presented the Board a state approved expense reimbursement form. She stated one of the areas of expenses that needed to be addressed was the per diem allowed by the state. Within the guidelines for reimbursements is a breakdown of the amount of money allowed for each meal. Receipts are not mandatory, but if they are not submitted, more explanation needs to be provided for the exact restaurants of meals.

## **CHAIRMAN'S REPORT**

Chairman Stoeber informed the Board of the upcoming meetings in October in Washington, D.C. He stated in previous years the AARO meetings were held in conjunction with the AQB and ASB meetings. This year the AARO meeting will be the first week in October and the Appraisal Foundation meetings will be held the last week in October. Chairman Stoeber recommended the Board consider attending only the Appraisal foundation meetings in October and attend the AARO meeting which will include the second round of the implementation of the new criteria in December in Las Vegas. Stoeber asked the Board to approve the Chairman, Vice Chairman and Director to attend the meetings October and December respectively.

Bain moved to approve the reimbursement of expenses for the Chairman, Vice Chairman and Director to attend the meetings in Washington D.C. and Las Vegas. Kalkowski seconded the motion. The motion carried with Kroeger, Kalkowski, Bain and Stoeber voting aye.

Chairman Stoeber commented on the new sound system the board was using for the meeting. The new system was borrowed to test for the Director to record the minutes. Stoeber explained the system would cost approximately \$800. He asked for the board to approve spending up to \$1,000 for the purchase of the new system.

Kroeger moved to approve the expenditure of up to \$1,000 to improve the sound system. Kalkowski seconded the motion. The motion carried with Bain, Kroeger, Kalkowski and Stoeber voting aye.

### **EXPENSE REPORT**

Director Ekstein presented the end of the month expenditure report from the NIS system. Ekstein stated she intended to meet with the agency financial contact in the budget office to get clarification on the budget and what is needed for the September meeting.

### **2006 ANNUAL FEES**

Director Ekstein reminded the Board the renewal period is approaching. She had reviewed fees charged over the past several years. Ekstein stated she would like the Board to consider the idea of decreasing the renewal fees for 2006. Expenses would be carefully tracked to determine if enough income would be available while charging lower fees. Kalkowski asked when the decision had to be made. Director Ekstein asked for a ten minute recess in order to call the budget office. Chairman Stoeber suggested the Board carry over renewal fees to the September meeting.

The board took a ten minute recess.

Chairman Stoeber reconvened the meeting at 10:45 a.m.

Director Ekstein reported she had contacted Joe Wilcox, the budget analyst for the Appraiser Board. She stated she will meet with Mr. Wilcox following the meeting. She told the board she would provide an update at the September meeting.

### **2008 AOB CRITERIA IMPLEMENTATION**

Chairman Stoeber suggested the Board wait until the September meeting when the full board is present to decide whether to implement the firm date scenario or the segmented date scenario. The Board will consider the decision during the September meeting.

## **MENTOR APPLICATIONS**

Director Ekstein reported she had received two mentor applications. Ekstein stated she was not aware of a mentor program established by the Board. Chairman Stoeber added the Board needed to specify the difference between a mentor and/or mentor program and a supervisor/trainee program. Stoeber suggested the Board authorize Director Ekstein to send a letter to the applicants stating there needs to be a specific program for the individual mentor.

## **EDUCATION**

Vice Chairman Kroeger announced the Board had received several applications for approval of new seminars. There was some confusion as three of the applications were from the Appraisal Institute, and the applications were supposed to be for course approval. Kroeger stated he and Chairman Stoeber had talked with a representative of the Appraisal Institute and explained the need for the Appraisal Institute to be approved through the Department of Education.

Kroeger moved to **approve** the following **new** seminars for continuing education:

**The Moore Group** – *Appraisal 946: The New 2005 Small Residential Income Property Appraisal Report* (4 hours).

**Intenational Right Way Association** – Property Management Leasing (16 hours).

Bain seconded the motion. The motion carried with Kalkowski, Bain, Kroeger and Stoeber voting aye.

Vice Chairman Kroeger moved to approve the following renewal of a seminar:

**Appraisal Institute** – Appraisal Consulting – A Solutions Approach for Professionals (C2238) for 7 hours subject to the instructor being approved prior to offering the seminar. Bain seconded the motion. The motion carried with Bain, Kroeger, Kalkowski and Stoeber voting aye.

Vice Chairman Kroeger moved to approve the following instructors:

**Brad Moore-** approve as instructor for Appraisal 946: The New 2005 Small Residential Income Property Appraisal Report

**Douglas Sandy Grigg** - approve as instructor for *Property Management – Leasing* by the IRWA

Kalkowski seconded. The motion carried with Bain, Kalkowski, Kroeger and Stoeber voting aye.

At 11:45 a.m., Vice Chairman Kroeger moved that the Board go into Executive Session for the purpose of reviewing qualifications of applicants and consideration of written complaints. A closed session is clearly necessary for the prevention of needless injury to the reputation of the individual or individuals involved in the personal matters relating to applications to be reviewed, performance and disciplinary matters to be considered. Bain seconded the motion. The motion carried with Kalkowski, Bain, Kroeger, and Stoeber voting yes. Board members and Director were present during closed session

At 1:55 p.m., Vice Chairman Kroeger moved to come out of Executive Session and Kalkowski seconded the motion. The motion carried with Bain, Kroeger, Kalkowski and Stoeber voting aye.

### **APPLICANTS**

Vice Chairman Kroeger moved to approve the following applicants for the respective exams:

Registered	R800 - Susan Kracl
	R801 - Mary Elizabeth
	R802 – Mark McDermott
	R803 – Thomas Placzek
License	L414 – Thurmand Jones
Certified Residential	CR132 – Benjamin Hynek
	CR136 – Crystal Hankins

Bain seconded the motion. The motion carried with Kalkowski, Bain, Kroeger and Stoeber voting aye.

### **ENFORCEMENT**

Vice Chairman Kroeger moved the following:

- 01-04 Amend the public record to reflect that the Nebraska Real Estate Appraiser Board accepted the voluntary surrender of William Heyden's credential in June 2005.
- 05-12 Desk review was received, but is incomplete. Director to contact respondent and request additional information for items missing from the appraisal. Once missing items are received Director is to forward the report back to reviewer for final review.
- 05-02 Move to grant respondent a 30 day extension to the open consent agreement to allow respondent to complete Uniform Standards of Professional Appraisal Practice.

- 05-04 Date of report which is the basis for this complaint pre-dates education taken by respondent in conjunction with obtaining License credential. Move to dismiss based on education taken subsequent to date of appraisal which is the basis of the complaint.
- 05-15 Authorize Director to contact respondent asking for complete copy of appraisal and backup file which is the basis for the complaint. Authorize Director to send out for review after information is received.
- 05-16 Complaint lacks information to proceed with further investigation. Move to dismiss, and have Director send complainant letter with reasons stated why case can not be investigated at this time.

There being no further business, Chairman Stoeber adjourned the meeting at 2:40 p.m.

Respectfully Submitted,

Jill Ekstein  
Director

These minutes were available for public inspection on September 2, 2005, in compliance with Nebraska Statute §84-1413(5).